

# CRS Report for Congress

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## Afghanistan: Presidential and Parliamentary Elections

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### Summary

Presidential elections in Afghanistan were held on October 9, 2004, with heavy turnout and minimal violence. Karzai was declared the winner on November 3, 2004 with about 55% of the vote. Parliamentary, provincial, and district elections were to be held in April-May 2005, but parliamentary and provincial elections are now to be held September 18, 2005; district elections are put off until 2006. See CRS Report RL30588, *Afghanistan: Post-War Governance, Security, and U.S. Policy*.

### The “Bonn Conference” and Political Reconstruction

Afghanistan has not previously had a fully elected government, although there were some parliamentary elections during the 1960s. Presidential and parliamentary elections, when held, would represent completion of the political transition roadmap outlined during the U.S.-led war to oust the Taliban regime of Afghanistan, as stipulated in an agreement signed at a United Nations-sponsored conference of major Afghan factions held in Bonn, Germany in late November 2001, after the Taliban had vacated Kabul. Under the Bonn agreement<sup>1</sup> (signed December 5, 2001) the factions formed a 30-member interim administration to govern until the holding in June 2002 of an “emergency *loya jirga*” — a traditional Afghan assembly — that would choose a new government until a new constitution was approved (by December 31, 2003) and national elections held (by June 2004). According to Bonn, the government would operate under the constitution of 1964 until a new constitution was adopted. At the Bonn conference, Hamid Karzai, an ethnic Pashtun leader who had worked with U.S. forces to defeat the Taliban, was selected interim leader. He presided over a cabinet in which a slight majority of the positions were held by the so-called “Northern Alliance” faction, composed mostly of ethnic minorities, particularly ethnic Tajiks.

<sup>1</sup> For text, see [<http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>].

## Report Documentation Page

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## New Constitution and Elections

Afghan officials subsequently drafted a permanent constitution. It was debated by 502 delegates, selected in U.N.-run caucuses, at a “constitutional *loya jirga* (CLJ)” held during December 13, 2003 - January 4, 2004. The document set up a strong elected presidency, and did not include a proposal to set up a strong prime minister-ship as a check on the presidency. There were broad concerns that a prime minister might emerge as a rival to the presidency. As an alternative, the draft enhanced the powers of an elected parliament relative to the president, giving it, for example, veto power over senior official nominees. The CLJ approved the final constitution with only minor changes from the original draft. The new constitution,<sup>2</sup> as adopted, sets up a two-chamber parliament and provincial and district councils, and stipulates the following:

- The lower house (*Wolesi Jirga*, House of People), consists of 249 seats, all elected, in voting simultaneous, *if possible*, with presidential elections.
- A 102 seat upper chamber (*Meshrano Jirga*, House of Elders) is selected as follows: 34 seats are selected by elected provincial councils (one representative from each of the 34 provincial councils); another 34 are selected by the nearly 400 district councils; and the final 34 are appointed by the President. The provincial and district elections are to be simultaneous, if possible, with the parliamentary elections. The constitution does not stipulate other major roles for the provincial or district councils, although some believe they will ultimately acquire some power to impose local taxes and provide local services.<sup>3</sup>
- In the lower house, at least 68 of those elected (two per province x 34 provinces) “should” be women. That would give women about 25% of the seats in that body. The goal is to be met through election rules that would give the top two women vote-getters in each province a seat. In the upper house, 50% of the president’s 34 appointments are to be women - giving women at least 17 seats in that body.
- Two vice presidents run on the same election ticket as the president, and one succeeds him in the event of the president’s death. They serve a five-year term, and presidents are limited to two terms. If no presidential candidate receives at least 50%, a run-off is to be held within two weeks. The constitution gives parliament the ability to impeach a president.
- The constitution allows political parties to be established so long as their charters “do not contradict the principles of Islam,” and they do not have affiliations with other countries.

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<sup>2</sup> Text of constitution: [<http://www.afghan-web.com/politics/currentconstitutionenglish.pdf>].

<sup>3</sup> Aizenman, N.C. *Afghans Face a Rocky Road to Next Vote*. Washington Post, February 19, 2005.

## Election Organization and Registration

Following the adoption of the constitution, the U.S. and Afghan focus turned to the holding of the elections. Karzai sought to hold timely national elections to parry any charges that he sought to monopolize power. The minority-dominated “Northern Alliance” grouping that coexists in an uneasy partnership with Karzai wanted simultaneous parliamentary elections so that a parliament could check presidential authority. However, there was always widespread recognition that parliamentary, provincial and district elections are more complicated than presidential elections and that the various sets of elections might be held separately.

In July 2003, a joint Afghan-U.N. committee (with U.N. Assistance Mission in Afghanistan, UNAMA), called the Joint Election Management Body (JEMB), was set up to register voters to organize the elections. Even though a population census has never been taken, it was estimated that 10.5 million Afghans would be eligible to vote. The voting age is 18. Registration was slowed by violence against election workers and overall security concerns, and it became clear that a June 2004 vote was not feasible. In late May 2004, a firm date for the presidential elections was set for October 9, 2004, but the complex parliamentary, provincial, and district elections were postponed further.<sup>4</sup>

By May 2004, and in the face of continuing Taliban attacks, UNAMA was operating over 1,600 registration centers and registration rates increased to more than 120,000 voters per day (from 40,000 per day). At the close of the registration process in September 2004, UNAMA reported that 10.5 million voters had registered.<sup>5</sup> About 42% of those registered were women. The large registration total raised concerns, fueled by anecdotal reports, that some Afghans had registered more than once. Afghan and U.N. officials said that voter fingers would be marked with indelible ink on election day to prevent multiple voting.<sup>6</sup>

On May 25, 2004, Karzai signed the major election law that governed the elections.<sup>7</sup> Among other provisions, the election law provided for the parliamentary elections to be district-based (voting for specific candidates) rather than proportional representation (voting for party slates).<sup>8</sup> The law also established an Independent Electoral Commission (IEC) to run the elections, and required sitting government officials who were candidates, except the president, to resign from their official positions 75 days before the elections. Presidential candidates needed to demonstrate support of at least 10,000 eligible voters to be allowed to run.

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<sup>4</sup> An initial target time frame of April - May 2005 was set for these elections

<sup>5</sup> The International Organization of Migration, on behalf of the JEMB, conducted registration of Afghan refugees in Iran and Pakistan, who were eligible to vote.

<sup>6</sup> Harrington, Carol and Jared Ferrie. “Afghan Vote Threatens Bush’s Credibility.” *Toronto Star*, August 17, 2004.

<sup>7</sup> New Afghan Election Law Endorsed. Kabul Radio in Foreign Broadcast Information Service, May 27, 2004.

<sup>8</sup> Proportional representation was the system used in the January 30, 2005 Iraqi elections.

## Presidential Candidate Field and the Vote

Karzai engaged in substantial political bargaining, hoping to reduce the number and strength of his opponents. According to a variety of press reports, Defense Minister/Northern Alliance military leader Mohammad Fahim, former President Burhannuddin Rabbani (the Alliance political leader), and other Alliance figures sought to trade support for Karzai for a role in a coalition cabinet after the elections.<sup>9</sup> However, as the July 26, 2004 deadline for filing candidacies approached, a potential deal evaporated. The de-facto leader of the Uzbek areas of Afghanistan, Abdul Rashid Dostam, who has been part of the Alliance, filed his candidacy. Karzai dropped Fahim as his vice presidential running mate when Fahim balked at the requirement that he first resign as Defense Minister. In response, the Northern Alliance fielded a candidate, Education Minister Yunis Qanooni. Karzai selected as his principal running mate Ahmad Zia Masud, a brother of legendary slain Northern Alliance commander Ahmad Shah Masud, hoping to attract Tajik support. He chose as his second running mate a leader of the Hazara community (Hazaras are Shiite Muslims), Karim Khalili, a vice president. Aside from Karzai, Qanooni, and Dostam, 15 other candidates were certified by the JEMB to run, but Qanooni remained the most serious challenger. Other candidates who campaigned actively were Hazara leader Mohammad Mohaqiq and Dr. Masooda Jalal, the only woman who ran. During the campaign, there were consistent concerns of potential factional unrest, but there was no violence. There were a few assassination attempts against some candidates, including Karzai and a running mate.

To secure the presidential vote, the International Security Assistance Force (ISAF), the 37-nation NATO-led coalition that performs peacekeeping in Kabul and other enclaves, was reinforced for the election period by 2,500 troops from Spain and Italy, bringing ISAF forces to a total of 9,000. A few countries sent additional combat aircraft to Afghanistan as well. A U.N.-run program to disarm and reintegrate (disarmament, demobilization, and reintegration, DDR) local militias was accelerated. Of the 60,000 total to be demobilized, about 25,000 had been disarmed by the time of the presidential election; that number has now grown to about 43,000. The U.S.-trained Afghan National Army (ANA), which had 15,000 at election time and now has about 21,000 troops, performed election security missions, supported by the Afghan national police force (about 48,000 nationwide). Many of the 18,000 U.S. forces performing anti-insurgency missions in Afghanistan were given election security missions; an extra several hundred U.S. troops were deployed to Afghanistan in September 2004 for this duty. Similar security measures are planned for future Afghan elections.

On election day, there were only a few minor insurgent attacks during the voting — far less violence than was expected. Turnout was heavy (about 8 million votes cast, roughly 80% of those registered) and the voting was orderly. Fears of widespread intimidation of voters by factional militiamen were not realized, although there were some reports of such activity on election day. The vote was observed by about 400 international monitors from the Organization for Security and Cooperation in Europe (OSCE) and other groups, but the major threat to the election was an announcement on election day by 15 challenging candidates that they would boycott the results due to

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<sup>9</sup> Constable, Pamela. "Karzai's Talks Raise Some Fears About Afghan Vote." *Washington Post*, May 30, 2004.

widespread fraud, primarily an alleged failure of indelible ink to prevent multiple voting. After a day of discussions and refutations by some of the international observers, most of the challengers — including Qanooni — agreed to allow an independent commission to investigate the alleged irregularities.

**Funding.** International donors, including the United States, provided more than \$90 million in aid for the elections. The FY2004 supplemental appropriation (H.Rept. 108-337, P.L. 108-106) provided \$69 million for “elections and governance” for Afghanistan.

**Results.** The independent investigators determined that the election irregularities did not materially affect the outcome, and Karzai was officially declared the winner on November 3, 2004. His challengers accepted that result. With all the votes counted, he received about 4.4 million votes, or 55.4% of the total, more than the 50% needed to avoid a runoff. Qanooni finished second with 1.3 million (16.3%); Mohaqiq — 935,000 (11.7%); Dostam — 800,000 (10%); and Masooda Jalal — 91,000 (1.1%). With the exception of Karzai, who received significant numbers of Tajik votes, as well as Jalal, the female candidate who attracted some women from all ethnicities, most candidates received few votes outside their ethnic bases. Karzai was sworn into a five-year term on December 7, 2004.

**New Cabinet.** On December 23, 2004, after achieving a consensus that ministers must have higher education and relinquish any dual citizenships, Karzai announced a new cabinet. Broadly, the 27-seat cabinet balanced the different ethnicities, but it tilted somewhat more toward fellow Pashtuns in the key security ministries. Most notably, Fahim was replaced as Defense Minister by his Pashtun deputy, Abdul Rahim Wardak, and Qanooni was not given a cabinet seat. One prominent Northern Alliance leader, Dr. Abdullah Abdullah, was retained as Foreign Minister, and eight other Tajiks are in the cabinet. Interior Minister Ali Jalali, a Pashtun, was retained. Ashraf Ghani, a Pashtun unpopular with the Northern Alliance, was dropped as Finance Minister in favor of another Pashtun, Karzai ally and Central Bank governor Anwar ul-Haq Ahady. Masooda Jalal was made Minister of Women’s Affairs, and another woman, Seqida Balkhi, was made Minister for Martyrs and the Disabled. Karzai also sought to emphasize technocratic qualifications (nine have Ph.Ds) over factional allegiances. To emphasize his stated commitment to end the narcotics trafficking problem, Karzai created a new Ministry of Counter-Narcotics, headed by Habibullah Qadari.

Karzai has also tried to marginalize regional strongmen. The Tajik regional strongman Ismail Khan was appointed Minister of Water and Energy; he had been removed by Karzai as governor of Herat Province in September 2004. He subsequently has appointed Dostam as his military “chief of staff,” hoping to thereby take Dostam away from his political base in northern Afghanistan.

## **The Upcoming Parliamentary, Provincial, and District Elections**

On March 21, 2005, the IEC of Afghanistan announced that parliamentary and provincial elections would be held on September 18, 2005, a postponement that had been widely expected. No date was set for the district elections — the setting of district boundaries is sensitive because the drawing of boundaries is likely to determine the outcome of each district’s vote — but the IEC said these elections would take place some

time in 2006. Because the district elections are postponed, the 34 members of the upper house of parliament to be appointed by those councils cannot be selected. This chamber will therefore initially be half its planned size — the 34 provincial council choices plus 17 presidential appointees (instead of 34 presidential appointees), according to the Afghan government. According to the May 2004 election law, boundaries for the parliamentary and provincial elections must be set 120 days before the vote (by May 18, 2005).

Some experts fear that the potential for local militia leaders and narcotics traffickers is great in the upcoming elections because of the small size of the voting districts in those elections. Some experts are urging that the parliamentary election system be changed to proportional representation, in which all voters have the same exact ballots and there is less potential for local manipulation. However, that system might empower political parties, and many Afghans are averse to strong parties because of the *mujahedin* parties' association with foreign governments during the anti-Soviet war. Despite the parliamentary elections postponement, political parties have been registering with the Ministry of Justice; about 70 parties were registered as of September 30, 2004, the latest available figures. In December 2004, Yunus Qanooni formed a "New Afghanistan" opposition party that will compete in the parliamentary elections. In April 2005, he was selected leader of a broader, eleven-party "Afghanistan National Coordination Front" — an opposition umbrella that consists of many of the ethnic minority-based organizations that constituted the Northern Alliance.

**Funding.** A major problem for the upcoming elections is funding. It is estimated the parliamentary and local elections will cost about \$130 million, much of which will likely be required of international donors. The February 2005 Administration request for supplemental FY2005 funding includes \$60 million in Economic Support Funds (ESF) to assist the parliamentary and local elections and candidate and voter education. Most of the funds for these functions were provided in the House-passed version of H.R. 1268, as well as in the Senate version reported out by the Senate Appropriations Committee.

## Possible Implications for U.S. Policy

The presidential elections were considered a major milestone for U.S. efforts to stabilize Afghanistan, a key goal mentioned in the report of the 9/11 Commission. Legislation that enacted the Commission recommendations (P.L. 108-458) recommended steps to accelerate Afghanistan's political and economic reconstruction. The apparent success of the elections — both the relatively peaceful vote and the perception that Afghans eagerly demonstrated their democratic rights — appear to have given the Afghan government the additional strength it needs to disarm local militias and combat the burgeoning narcotics trafficking problem. Karzai's removal from his government of some powerful figures, such as Fahim, appear to demonstrate that he is gaining confidence and authority. The Taliban insurgency appears to be further losing momentum; there have been several recent reports that some in the Taliban movement now favor joining the political process. These trends are likely to be reinforced if parliamentary and provincial elections proceed well and a parliament is established that is viewed as a legitimate check on executive power.